



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region8>

Ref: 8WD-SDU

SENT VIA EMAIL
DIGITAL READ RECEIPT REQUESTED

Christopher Hagge, General Counsel
Merit Energy Company
chris.hagge@meritenergy.com

Honorable Jordan Dresser, Chairman
Northern Arapahoe Business Council
jordan.dresser@northernarapaho.com

Honorable John St. Clair, Chairman
Eastern Shoshone Business Council
jstclair@easternshoshone.org

Michael Ute, Commissioner
Wind River Energy Commission
mute@easternshoshone.org

Re: Transfer of Operational Control from Merit Energy Company to Wind River Energy
Commission for select Class II injection wells located in the Circle Ridge Field, Wind River
Indian Reservation, Wyoming

Dear Mr. Hagge, Chairman Dresser, Chairman St. Clair and Commissioner Ute:

The U.S. Environmental Protection Agency Region 8 Underground Injection Control (UIC) program office has received your request to transfer ownership and operational control from Merit Energy Company to the Eastern Shoshone Tribe and Northern Arapaho Tribe submitted on May 1, 2021. The request included individually executed transfer forms (Form 7520-7) for 22 wells located in the Circle Ridge Field.

EPA has reviewed the request and notes that a portion of the wells are authorized by permit and a portion by rule. Those authorized by permit are being transferred by minor modification in accordance with 40 CFR § 144.41(d). The determinations below are made in accordance with 40 CFR §§ 144.28, 144.38, and 144.41. EPA hereby modifies the seven (7) Permits listed in Table 1 and transfers Permit responsibility and liability to:

Wind River Energy Commission
(a joint commission of the Northern Arapaho Tribe and Eastern Shoshone Tribe)

Physical Address:
15 North Fork Road
Fort Washakie, Wyoming 82514

Mailing Address:
P.O. Box 217
Fort Washakie, Wyoming 82514

Pursuant to 40 CFR §144.41(d), the EPA hereby approves the transfer of the following Permit(s) listed in Table 1 to the Wind River Energy Commission. Please note that the referenced EPA Permits remain fully effective and enforceable and all other provisions and conditions of the Permits remain as issued or modified.

Table 1

Permit No.	API No.	Well Name
WY20969-06387	49-013-06766	Shoshone 65-2
WY20828-06386	49-013-06802	Shoshone 65-3
WY20828-04386	49-013-06847	Shoshone 65-31
WY20707-02174	49-013-06855	Shoshone 65-33
WY20856-04481	49-013-20590	Shoshone 65-50
WY20708-02176	49-013-21498	Shoshone 65-70
WY20819-04366	49-013-20757	Shoshone 66-66

In addition, pursuant to 40 CFR § 144.28(l), EPA hereby approves the transfer of operational control for the following six (6) wells authorized by rule and listed in Table 2 to the Wind River Energy Commission.

Table 2

Rule Authorization No.	API No.	Well Name
WY20000-02149	49-013-06793	Shoshone 63-24 Amsden
WY20000-02150	49-013-20479	Shoshone 63-27 Amsden
WY20000-02167	49-013-06837	Shoshone 65-12 Tensleep
WY20000-02171	49-013-06844	Shoshone 65-26
WY20000-02173	49-013-06852	Shoshone 65-29
WY20000-02178	49-013-06846	Shoshone 65-40

Please be advised that the Wind River Energy Commission is now responsible for maintaining compliance with conditions and requirements (including monitoring and reporting) contained in the individual Permits for each well and 40 CFR §144.28 for wells authorized by rule listed in Tables 1 and 2.

Finally, EPA has not approved transfer of operational control for the nine (9) wells listed in Tables 3 and 4 and included in the original May 1, 2021, transfer request because financial assurance has not been

provided by the transferee. As a result, responsibility for compliance with conditions and requirements contained in the individual Permits for each well and 40 CFR §144.28 for wells authorized by rule remains with Merit Energy Company. If Merit Energy Company intends to permanently plug and abandon any of these wells, please submit the proposed plugging and abandonment (P&A) plans to Nathan Wiser of the Enforcement and Compliance Assurance Division (ECAD) for review, comment and approval in advance of any P&A activities.

Table 3

Permit No.	API No.	Well Name
WY20711-03776	49-013-06820	Shoshone 65-32
WY20837-02175	49-013-21497	Shoshone 65-68 Tensleep
WY20521-02119	49-013-21637	Shoshone 65-77

Table 4

Rule Authorization No.	API No.	Well Name
WY20000-02169	49-013-06833	Shoshone 65-20
WY20000-02170	49-013-06830	Shoshone 65-25
WY20000-02177	49-013-06845	Shoshone 65-38
WY20000-02179	49-013-06839	Shoshone 65-41
WY20000-02182	49-013-06851	Shoshone 65-42
WY20000-03089	49-013-06775	Shoshone 66-46

If you have any questions or comments about the above action, please contact Christopher Brown at (303) 312-6924 or Brown.Christopher.T@epa.gov. If you have any questions or comment concerning compliance, monitoring and reporting, please contact Nathan Wiser of the Enforcement and Compliance Assurance Division at (303) 312-6211 or Wiser.Nathan@epa.gov.

Sincerely,

5/28/2021

 Lisa Kahn

Signed by: LISA KAHN
Lisa Kahn, Acting Chief
Safe Drinking Water Branch

cc: Northern Arapahoe Business Council:
Lee Spoonhunter, Co-Chairman, lee.spoonhunter@northernarapaho.com
Jared White Bull, Councilman, jared.whitebull@northernarapaho.com
Boniface Ridgley, Councilman, boniface.ridgley@northernarapaho.com
Stephen Fast Horse, Councilman, stephen.fasthorse@northernarapaho.com
Kimberly Whiteman Harjo, Councilwoman, kim.harjo@northernarapaho.com

Eastern Shoshone Business Council:
John Washakie, Co-Chair, jwashakie@easternshoshone.org

Gloria St. Clair, Councilwoman, gstclair@easternshoshone.org
Gus Thayer, Councilman, gthayer@easternshoshone.org
Michael Ute, Councilman, mute@easternshoshone.org
Starr Weed, Jr., Councilman, sweedjr@easternshoshone.org

Brett Stavin, Attorney, bstavin@rosettela.com
Rosette, LLP

Keith Harper, Attorney, kharper@jenner.com
Jenner & Block

Steven Siros, Attorney, ssiros@jenner.com
Jenner & Block

Kat Lyles, Assistant General Counsel, kat.lyles@meritenergy.com
Merit Energy Company

Gordan Zane, Fluid Minerals Branch Chief, zane.gordon@bia.gov
U.S. Department of Interior, Bureau of Indian Affairs